



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/639,850 08/16/00 ENDO

T 0250-814

022204
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MM91/0103

EXAMINER

CRENSHAW, M

ART UNIT

PAPER NUMBER

2854

DATE MAILED:

01/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/639,850

Applicant(s)

Endo

Examiner

Marvin P. Crenshaw

Group Art Unit

2854

☒ Responsive to communication(s) filed on Dec 18, 2000

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-5 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2854

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Black et al. Black et al. teaches a stencil apparatus comprising of an ink supply pump in the form of diaphragm pump (Fig.4 , 146).

3. The functional recitations set forth in the claims, for example claim 2, lines 2-4; claims 3, line 2-4 have not been given patentable weight because they are narrative in form. In order to be given patentable weight, a functional recitation must be supported by sufficient positively recited claim structure to warrant the presence of the functional language.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al. in view of Miller et al.

Black et al teaches a stencil apparatus as claimed except the pump is not made of silicone rubber. Miller et al. teaches a diaphragm pump which is made of silicone rubber. See column 3, line 61 of Miller et al. Silicone rubber is known to have a swelling ratio to the ink of less than 1.05. It would have been obvious to one of ordinary skill in the art to make the diaphragm pump of Black et al. with silicone rubber as taught by Miller et al. in order to meet the needs of swelling to prevent the material from deteriorating after an extensive time .

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al. in view of Shimazu et al.

Black et al. Teaches a stencil apparatus as claimed except using ultraviolet ray curing ink. Shimazu teaches using an ultraviolet ray for curing ink (Column 5, line 14). It would have been obvious to one of ordinary skill in the art to provide the stencil apparatus of Black et al. with ultraviolet ray curing ink as taught by Shimazu in order to dry the prints.

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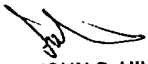
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Specifically, United States Patents to Buchwald et al. and Voegelin.

8 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone number is (703) 308-0797 who can be reached M-Th and every other Friday, scheduled time 7:00 - 4:30. If you wish to contact my Supervisor, he is John Hilten and can be reached at (703) 308-0719, fax (703) 308-5841.


MPC

12/18/00


JOHN S. HILTEN
SUPERVISORY PATENT EXAMINER
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